GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:4186
ANSWERED ON:28.03.2017
Guidelines on Phone Tapping
M. Smt. Vasanthi

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the existing guidelines with regard to phone tapping in the country;

(b) whether it is a fact that there have been complaints against various Government agencies for alleged involvement in unauthorised/illegal phone tapping;

(c) if so, the details thereof and the action taken by the Government thereon;
and

(d) the steps being taken by the Government to prevent unauthorised tapping of phone calls in the country?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HANSRAJ GANGARAM AHIR)

(a) to (d): Lawful interception of telephonic communication is governed by the provisions of Section 5(2) of the Indian Telegraph Act, 1885, which empowers the Central and State Governments to carry out interception of communication messages under the stipulated conditions. The detailed procedure for handling the lawful interception cases is provided in Rule 419-A of the Indian Telegraph Rules, 1951. Whenever any complaint of unauthorized phone tapping is received, it is examined as per law.
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Unlawful interception is an offence under Section 25 & 26 of the Indian Telegraph Act 1885, which provide punishment of imprisonment for a term which may extend to three years, or with fine, or with both. The steps taken by the Government to prevent illegal interception of telephone calls are as under:

â€¢ Rule 419-A of the Indian Telegraph Rules, 1951 provides for the detailed procedure and precautions for handling the lawful interception cases in order to ensure that unauthorised interception of telephones does not take place.
â€¢ The Ministry of Home Affairs has issued Standard Operating Procedures (SOPs) for Lawful Interception, Handling, Use, Sharing, Copying, Storage and Destruction of records to the Law Enforcement Agencies. The Department of Telecom has issued Standard Operating Procedures (SOPs) for Lawful Interception to the Telecom Service Providers (TSPs).
â€¢ The orders of the competent authority authorizing Lawful Interception are reviewed by a Review Committee under Rule 419-A of the Indian Telegraph Rules, 1951.

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